

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JILL HENNESSEY, Individually and on
Behalf of Others Similarly Situated,

Plaintiffs,

V.

KOHL'S CORPORATION and
KOHL'S DEPARTMENT STORES, INC.,

Defendants.

No. 4:19 CV 1866 DDN

MEMORANDUM AND ORDER

After considering the premises of the subject motions, including the discussions conducted during the Court's status hearing on June 7, 2021, and to conform the digital docket with the Court's rulings during that hearing,

IT IS HEREBY ORDERED that the motion of defendants' for a hearing on their motion to deny class certification (**Doc. 84**) is **denied without prejudice**. The Court will set a hearing on any specific motion, if it believes one would be helpful.

IT IS FURTHER ORDERED that the motion of defendants to strike improper *errata* (**Doc. 124**) is **sustained**. The Court has carefully examined the suggested *errata* and finds that they deal with matters of substance that ought to be subjected to cross-examination. *See Herndon v. U.S. Bancorp Asset Management, Inc.*, 2007 WL 9808026 (E. D. Mo. May 11, 2007). In this regard, plaintiff may notice the subject deponents for further deposition limited to the subject of the asserted *errata*.

IT IS FURTHER ORDERED that the motion of defendants for oral argument on class certification briefing and to strike *errata* (**Doc. 140**) **is denied as moot**. The Court has ruled the motion to strike *errata*, above, and, if the Court believes oral argument on the class certification issue would be helpful, it will order it.

IT IS FURTHER ORDERED that the motions of defendants for leave to submit supplemental authority (**Docs. 148 and 154**) **are sustained**. The Court will consider the proffered supplemental authority.

IT IS FURTHER ORDERED that the motion of plaintiff to compel depositions and production of documents (**Doc. 68**) **is denied as mooted by the rulings by the Court during the June 7, 2021 status hearing.** The Court perceives from the parties' filed memoranda and hearing comments that discovery is continuing with the parties engaging in reasonable negotiation.

IT IS FURTHER ORDERED that the motion of plaintiff to file under seal portions of plaintiff's reply (**Doc. 80**) **is sustained.**

IT IS FURTHER ORDERED that the motions of plaintiff for leave to respond to defendant's motions for leave to file supplemental authority (**Docs. 149, 151**) **are sustained.** The Court will consider plaintiff's supplemental authority.

IT IS FURTHER ORDERED that the consent motion of plaintiff to file portions of plaintiff's memorandum in support of class certification under seal (**Doc. 93**) **is sustained.**

IT IS FURTHER ORDERED that the joint motion of the parties to modify the briefing schedule regarding the motion to strike *errata* (**Doc. 126**) **is denied as moot.**

/s/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on September 30, 2021.